COURT NO.2

IN THE HIGH COURT OF UTTARANCHAL AT NAINITAL

Writ Petition No. 4370 OF 2001 (S/S)

U.P. State Road Transport Corporation
Through its Regional Manager, D.Dun

..... Petitioner

Versus

1. Presiding Officer, Labour Court, Dehradun
2. Seva Ram S/o Ghyan Singh, C/o R.M. Office, U.P.S.R.T.C. Dehradun

..... Respondents

Shri A.N. Sharma, ld. Counsel for the petitioner.
Shri M.C. Pant learned counsel for Respondent No. 2

Dated: 25.10.2005

Hon'ble P.C. Verma, J.

By means of this writ petition, the petitioner has prayed for writ of Certiorari quashing the impugned order dated 17.07.2001, passed by Respondent No.1-Presiding Officer, Labour Court, Dehradun in Misc. Case No. 94 of 2001.

Brief facts of the case according to the petitioner are that a claim application was filed by Respondent NO. 2 under Section 33-C(2) of Industrial Disputes Act for payment of arrears arising out of acceptance of recommendations of Vth pay commission. The learned Tribunal after considering the entire evidence on record directed the petitioner to pay an amount of Rs. 39,192.00 to the workman alongwith the cost of Rs.500/- as litigation expenses under Section 33-C(2) of the Act within two months. Feeling aggrieved, this writ petition has been filed.

I have heard learned counsel for he parties and perused the entire evidence on record.

Before the learned Labour Court, the petitioner has accepted that recommendation of Vth pay commission is binding on the Corporation and according to the recommendation, the dues are payable to their employees. It was also accepted that the financial condition of the corporation is not good at present and as and when the financial condition will be improved, the dues shall be paid to the employees. Keeping in view of the facts and circumstances of the case, the Tribunal has rightly ordered to pay the dues to the employee-workman within a period of two months.

I do not find any force in the writ petition. The Labour Court has recorded the finding of fact, which does not call any interference.

The writ petition is devoid of merit and is dismissed. No order as to costs.

(P.C. Verma, J.)

Rajeev Dang